

MADISON (Wisc.) CAPITAL  
TIMES

Circ.: e. 40,092

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DEC 17 1952

Date:

**An Editorial****Another Victim of The 'Reasonable Doubt' Test**

**A**FTER 28 years of service in the State Department, under both Republican and Democratic administrations, John Carter Vincent may now be dismissed from service because the Loyalty Review Board has found that "a reasonable doubt" exists as to his loyalty and has recommended his dismissal.

Thus, Mr. Vincent joins John Stewart Service as the second victim of the strange rule of loyalty laid down by Pres. Truman in April of 1951. Up until the time the President changed the rules a government employe accused of disloyalty had the protection of the traditional rule of Anglo-Saxon law that a man is innocent until proved guilty beyond a "reasonable doubt." But now it is only necessary to find that "a reasonable doubt" exists as to loyalty and dismissal is recommended.

By the use of this rule we find that men's lives can be ruined by government agencies acting in a judicial capacity, even though there is no finding of guilt. In the cases of Service and Vincent, the Loyalty Review Board specifically stated that there is no finding of "disloyalty" on the part of either man. There is only a finding that there is a "reasonable doubt" as to their loyalty.

**T**HIS RAISES the question of what a "reasonable doubt" is. What creates a reasonable doubt? Suppose that a member of the U. S. Senate, taking advantage of his immunity, stands on the floor of the Senate and charges that Gen. Patrick Hurley, a life-long conservative Republican, is a Communist because he once defended the Chinese Communists by saying they are no different than "Oklahoma Republicans with rifles."

Could that raise a reasonable doubt about Hurley's loyalty? Hiram Bingham, head of the Loyalty Review Board said that it was Vincent's words in defense of the Chinese Communists during the war that constituted the most damaging part of the case against him.

It has been charged on the Senate floor that Gen. George Marshall is a traitor. Millions believe that charge. It is also charged that President-elect Eisenhower approved of Marshall's traitorous activities. Does that create a "reasonable doubt" as to their loyalty?

Certainly it does with millions of Americans. Other millions say that such charges are madness. So how do we establish a reasonable doubt?

**A**CTUALLY, the expression "reasonable doubt" is the vaguest sort of concept. The lawyers and

the courts have mauled it over for generations. The nearest they have come to defining it is to say that it is the doubt that would exist in the minds of a "reasonable man." But that is only begging the question, for it then becomes necessary to define a "reasonable man."

Is Gen. Walter Bedell Smith, head of the Central Intelligence Agency, who denies that Gen. Marshall is a traitor, a "reasonable man"? Or is Joe McCarthy, who says that Marshall is? Are the millions who believe as Gen. Smith "reasonable men," or are the millions who believe as Joe McCarthy?

It is because of the vagueness of the concept that Anglo-Saxon law has said that we cannot have a system of justice in which guilt is based on it. We must have a system that presumes men innocent of the charges against them unless it is clearly established beyond a "reasonable doubt" that they are guilty.

There have been individuals in this country who have been burned at the stake for witchcraft. Today we know that witchcraft cannot be proved and could not be proved then. Those individuals were burned because a "reasonable doubt" existed in the minds of the people who judged them.

Service and Vincent are being burned under the same rule.